

## **Item W06-06 Response Form**

**Title:** Court Facilities Guidelines and Court Facilities Policies, Procedures, and Guidelines (amend rules 6.150 and 6.180 of the California Rules of Court)

- ☐ Agree with proposed changes
- ☐ Agree with proposed changes **if modified**
- ☐ Do not agree with proposed changes

Comments: \_\_\_\_\_

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\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

- ☐ Commenting on behalf of an organization

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Please write or fax or respond using the Internet to:

**Address:** Ms. Romunda Price,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Romunda Price  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Monday, January 23, 2006
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council  
or the Rules and Projects Committee  
All comments will become part of the public record of the council's action.*

## Invitation to Comment W06-06

Title	Court Facilities Guidelines and Court Facilities Policies, Procedures, and Guidelines (amend rules 6.150 and 6.180 of the California Rules of Court)
Summary	The proposed amendment to Rules 6.150 and 6.180 will change all references in these Rules from “guidelines” to “standards.”
Source	Administrative Office of the Courts, Office of Court Construction and Management
Staff	Clifford W. Ham, Senior Project Architect/Manager Telephone: 415-865-7550 Email: <a href="mailto:clifford.ham@jud.ca.gov">clifford.ham@jud.ca.gov</a>
Discussion	<p>The current rules discuss the adoption and application of guidelines concerning trial court facilities. The <i>Trial Court Facilities Guidelines</i>, adopted by the Judicial Council effective July 2002, were developed by the Task Force on Court Facilities to evaluate the sufficiency of existing buildings; and to provide guidance to superior courts involved in design and construction of buildings under the responsibility of the counties. With the transfers of responsibility for design, construction, and management of trial court facilities from counties to the state, the AOC determined that it was prudent to develop standard expectations that reflect the best practices and solutions for the basic components of the trial court building.</p> <p>In accordance with rule 6.15 of the California Rules of Court, AOC staff reviewed the final draft <i>California Trial Court Facilities Standards</i> and the proposed amendments to Rules 6.150 and 6.180 with the Interim Court Facilities Panel. The Interim Court Facilities Panel directed AOC staff to present the <i>Standards</i> and the proposed amendments to the Rules of Court to the Judicial Council for consideration and adoption. If the <i>California Trial Court Facilities Standards</i> are adopted on April 21, 2006, the <i>Trial Court Facilities Guidelines, July 2002</i> will be replaced and superseded by <i>California Trial Court Facilities Standards</i>.</p> <p>This request to amend the Rules of Court 6.150 and 6.180 would change the word “guidelines” to “standards” in order to clarify the authority to adopt mandatory standards consistent with the law. The amendments to the Rules should take effect immediately on April 21, 2006 to be consistent with the effective date of the</p>

*California Trial Court Facilities Standards.*

The Judicial Council has the authority to adopt standards for the design and construction of trial court facilities. Government Code section 70391 provides that the Judicial Council “(a) [e]xercise full responsibility, jurisdiction, control, and authority as an owner would have over trial court facilities whose title is held by the state, including, but not limited to, the acquisition and development of facilities.” Pursuant to Government Code section 70392, the AOC has the responsibility to carry out the policies of the Judicial Council with regard to trial court facilities. Government Code section 70392 also provides that the AOC has the responsibility to “provide the ongoing oversight, management, operation, and maintenance of facilities used by the trial courts...” after transfer of the responsibility for the trial court facility to the Judicial Council as well as the construction of new trial court facilities.

Consistent with this authority, the AOC recommends that the word “guidelines” in Rules 6.150 and 6.180 be changed to “standards” to clarify that the continued use of the word “guidelines” in the Rules incorrectly implies that the *California Trial Court Facilities Standards*, when adopted, would provide advice or counsel when choosing a course of action as opposed to rules, requirements or performance expectations for court buildings.

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Attachment

Rules 6.150 and 6.180 of the California Rules of Court are amended, effective April 21, 2006 to read:

**Rule 6.150. Court facilities guidelines standards**

(a) **[Development of guidelines standards]** The Administrative Office of the Courts is responsible for developing and maintaining guidelines standards for the alteration, remodeling, renovation, and expansion of existing court facilities and for the construction of new court facilities.

(b) **[Adoption by the Judicial Council]** The guidelines standards developed by the Administrative Office of the Courts must be submitted to the Judicial Council for review and adoption as the guidelines standards to be used for court facilities in the state. Nonsubstantive changes to the guidelines standards may be made by the Administrative Office of the Courts; substantive changes must be submitted to the Judicial Council for review and adoption.

(c) **[Use of guidelines standards]** The Judicial Council, the Administrative Office of the Courts, affected courts, and advisory groups on court facilities issues created under these rules must use the guidelines standards adopted under (b) in reviewing or recommending proposed alteration, remodeling, renovation, or expansion of an existing court facility or new construction. Courts and advisory groups must report deviations from the guidelines standards to the Administrative Office of the Courts through a process established for that purpose.

**Rule 6.180. Court facilities policies, procedures, and guidelines standards**

The Administrative Office of the Courts, after consultation with the Court Facilities Transitional Task Force, must prepare and present to the Judicial Council recommendations for policies, procedures, and guidelines standards concerning the operation, maintenance, alteration, remodeling, renovation, expansion, acquisition, space programming, design, and construction of appellate and trial court facilities under Government Code sections 69204(c) and 70391(e). The policies, procedures, and guidelines standards must ensure that decisions are made in consultation with the affected court, when appropriate, and that decisions concerning acquisition, design, and construction of court facilities are made in consultation with local governmental and community interests, when appropriate.